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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,387	08/27/2003	Yuuta Nakaya	FUJX 20.578	6055

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KATTEN MUCHIN ROSENMAN LLP
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EXAMINER	
FOX, BRYAN J	
ART UNIT	**PAPER NUMBER**
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/649,387	Applicant(s) NAKAYA ET AL.
	Examiner Bryan J. Fox	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 14, 2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6, 15-20 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kezys in view of Yoshida (US 20020190901A1) and further in view of Lindskog et al (US006738020B1).

Regarding **claim 1**, Kezys discloses an array antenna system that includes a plurality of antenna elements and at least one of the antenna elements is an active element that is coupled tot eh transceiver module for transmitting and receiving data, where an optimization criterion is computed based upon the content of a received signal, such as a signal to noise ration (see column 5, line 40 – column 6, lines 8), which reads on the claimed, "radio communication apparatus comprising: a plurality of array antennas that include an antenna dedicated for reception and at least one array antenna service for both transmission and reception; a channel quality monitoring section for monitoring channel quality of each of arriving waves that arrive at the plurality of array antennas." The output of the optimization computation is directed to control the weights on the antenna so that the antenna is able to operate in high interference environments (see column 6, lines 9-25), which reads on the claimed, "computing section for calculating a set of weights for elements of each of the plurality of array antennas, the set of weights being such values as to allow each of the array antennas to function as an adaptive beam forming array antenna; a weights setting section for selecting, from the calculated set of weights, a particular set of weights from the calculated sets of weights, and for applying the particular set of weights for an array antenna that has received an arriving wave with maximum channel quality as monitored by the channel quality monitoring section." Because the antennas are part of an array (see column 5, lines 32-57), their outputs are combined, which reads on the claimed, "combining section for combining arriving waves received at the plurality of array

antennas by use of the particular set of weights." Kezys fails to expressly disclose setting the particular set of weights in common to all of the plurality of array antennas.

In a similar field of endeavor, Yoshida discloses the antenna weights w(l,n) may be common to the respective arrays 31-1 and 31-2. (see paragraph 67 and 74), which reads on the claimed, "setting the particular set of weights in common to all of the plurality of array antennas."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kezys with Yoshida to include the above applying antenna weights in common to all the antenna arrays in order to provide an adaptive antenna reception apparatus which can realize an excellent adaptive control characteristic as suggested by Yoshida (see paragraph 28). The combination of Kezys and Yoshida fails to expressly disclose feeding sections provided individually at feed lines of the array antennas for transmission and reception and that applies to a transmission of a transmission wave through the feed line, the set of weights including the particular set of weights amended adaptive to the different in frequencies between the transmission wave and the arriving wave.

In a similar field of endeavor, Lindskog et al disclose a system with a transformation function that can correct for coupling between the antenna elements and to compensate for any differences in carrier frequency between received signals and transmitted signals (see column 8, lines 61-67), which reads on the claimed, "feeding sections provided individually at feed lines of the array antennas for transmission and reception and that applies to a transmission of a transmission wave through the feed

line, the set of weights including the particular set of weights amended adaptive to the different in frequencies between the transmission wave and the arriving wave."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kezys and Yoshida with Lindskog et al to include the above correction for transmit versus receive frequencies in order to use the optimal weightings in a frequency division duplex system and to provide quick and accurate conversion from receive parameters to transmit parameters as suggested by Lindskog et al (see column 2, lines 52-62).

Regarding **claim 2**, Kezys discloses an array antenna system that includes a plurality of antenna elements and at least one of the antenna elements is an active element that is coupled tot eh transceiver module for transmitting and receiving data, where an optimization criterion is computed based upon the content of a received signal, such as a signal to noise ration (see column 5, line 40 – column 6, lines 8), which reads on the claimed, "radio communication apparatus comprising: a plurality of array antennas that include an antenna dedicated for reception and at least one array antenna service for both transmission and reception; a channel quality monitoring section for monitoring channel quality of each of arriving waves that arrive at the plurality of array antennas." The output of the optimization computation is directed to control the weights on the antenna so that the antenna is able to operate in high interference environments (see column 6, lines 9-25), which reads on the claimed, "weigh setting section for selecting, from the calculated set of weights, a particular set of weights for an array antenna that has received an arriving wave with maximum channel

quality as monitored by the channel quality monitoring section." Because the antennas are part of an array (see column 5, lines 32-57), their outputs are combined, which reads on the claimed, "combining section for combining arriving waves received at the plurality of array antennas by use of the particular set of weights." Kezys fails to expressly disclose setting the particular set of weights in common to all of the plurality of array antennas.

In a similar field of endeavor, Yoshida discloses the antenna weights w(l,n) may be common to the respective arrays 31-1 and 31-2. (see paragraph 67 and 74), which reads on the claimed, "setting the particular set of weights in common to all of the plurality of array antennas."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kezys with Yoshida to include the above applying antenna weights in common to all the antenna arrays in order to provide an adaptive antenna reception apparatus which can realize an excellent adaptive control characteristic as suggested by Yoshida (see paragraph 28). The combination of Kezys and Yoshida fails to expressly disclose feeding sections provided individually at feed lines of the array antennas for transmission and reception and that applies to a transmission of a transmission wave through the feed line, the set of weights including the particular set of weights amended adaptive to the different in frequencies between the transmission wave and the arriving wave.

In a similar field of endeavor, Lindskog et al disclose a system with a transformation function that can correct for coupling between the antenna elements and

to compensate for any differences in carrier frequency between received signals and transmitted signals (see column 8, lines 61-67), which reads on the claimed, "feeding sections provided individually at feed lines of the array antennas for transmission and reception and that applies to a transmission of a transmission wave through the feed line, the set of weights including the particular set of weights amended adaptive to the different in frequencies between the transmission wave and the arriving wave."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kezys and Yoshida with Lindskog et al to include the above correction for transmit versus receive frequencies in order to use the optimal weightings in a frequency division duplex system and to provide quick and accurate conversion from receive parameters to transmit parameters as suggested by Lindskog et al (see column 2, lines 52-62).

Regarding **claim 3**, Kezys discloses an array antenna system that includes a plurality of antenna elements and at least one of the antenna elements is an active element that is coupled tot eh transceiver module for transmitting and receiving data, where an optimization criterion is computed based upon the content of a received signal, such as a signal to noise ration (see column 5, line 40 – column 6, lines 8), which reads on the claimed, "radio communication apparatus comprising: a plurality of array antennas that include an antenna dedicated for reception and at least one array antenna service for both transmission and reception; a channel quality monitoring section for monitoring channel quality of each of arriving waves that arrive at the plurality of array antennas." The output of the optimization computation is directed to

control the weights on the antenna so that the antenna is able to operate in high interference environments (see column 6, lines 9-25), which reads on the claimed, "computing section for calculating arrival angles of a desired wave and of a disturbing wave as the arriving waves for each of the plurality of array antennas; a weight setting section for selecting, from the calculated arrival angles, an arrival angle of a desired wave as an arriving wave with good channel quality as monitored by the channel quality monitoring section and an arrival angle of a disturbing wave, and for setting a particular set of weights...with values to allow each of the array antennas to have a main lobe in a direction of the arrival angle of the desired wave and have a null point in a direction of the arrival angle of the disturbing wave," wherein changing the weights on the antenna array corresponds to changing the direction of the antenna array. Because the antennas are part of an array (see column 5, lines 32-57), their outputs are combined, which reads on the claimed, "combining section for combining arriving waves received with the plurality of array antennas to which the particular set of weights are applied." Kezys fails to expressly disclose setting a particular set of weights in common to all of the plurality of array antennas.

In a similar field of endeavor, Yoshida discloses the antenna weights w(l,n) may be common to the respective arrays 31-1 and 31-2. (see paragraph 67 and 74), which reads on the claimed, "setting the particular set of weights in common to all of the plurality of array antennas."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kezys with Yoshida to include the above applying antenna

weights in common to all the antenna arrays in order to provide an adaptive antenna reception apparatus which can realize an excellent adaptive control characteristic as suggested by Yoshida (see paragraph 28). The combination of Kezys and Yoshida fails to expressly disclose feeding sections provided individually at feed lines of the array antennas for transmission and reception and that applies to a transmission of a transmission wave through the feed line, the set of weights including the particular set of weights amended adaptive to the different in frequencies between the transmission wave and the arriving wave.

In a similar field of endeavor, Lindskog et al disclose a system with a transformation function that can correct for coupling between the antenna elements and to compensate for any differences in carrier frequency between received signals and transmitted signals (see column 8, lines 61-67), which reads on the claimed, "feeding sections provided individually at feed lines of the array antennas for transmission and reception and that applies to a transmission of a transmission wave through the feed line, the set of weights including the particular set of weights amended adaptive to the different in frequencies between the transmission wave and the arriving wave."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kezys and Yoshida with Lindskog et al to include the above correction for transmit versus receive frequencies in order to use the optimal weightings in a frequency division duplex system and to provide quick and accurate conversion from receive parameters to transmit parameters as suggested by Lindskog et al (see column 2, lines 52-62).

Regarding **claim 4**, Kezys discloses an array antenna system that includes a plurality of antenna elements and at least one of the antenna elements is an active element that is coupled tot eh transceiver module for transmitting and receiving data, where an optimization criterion is computed based upon the content of a received signal, such as a signal to noise ration (see column 5, line 40 – column 6, lines 8), which reads on the claimed, "radio communication apparatus comprising: a plurality of array antennas that include an antenna dedicated for reception and at least one array antenna service for both transmission and reception; a channel quality monitoring section for monitoring channel quality of each of arriving waves that arrive at the plurality of array antennas." The output of the optimization computation is directed to control the weights on the antenna so that the antenna is able to operate in high interference environments (see column 6, lines 9-25), which reads on the claimed, "computing section for calculating arrival angles of a desired wave and of a disturbing wave as the arriving waves and a set of weights, the set of weights being such values as to allow each of the array antennas to function as an adaptive null-forming array antenna; a weight setting section for selecting, from the calculated arrival angles, an arrival angle of a desired wave as an arriving wave with good channel quality as monitored by the channel quality monitoring section and an arrival angle of a disturbing wave, for correcting one of the calculated sets of weights to such values as to allow an array antenna, that received an arriving wave with maximum channel quality as monitored the channel quality monitoring section, to have a main lobe in a direction of the arrival angle of the desired wave and have a null point in a direction of the arrival

angle of the disturbing wave and for setting the corrected set of weights," wherein changing the weights on the antenna array corresponds to changing the direction of the antenna array. Because the antennas are part of an array (see column 5, lines 32-57), their outputs are combined, which reads on the claimed, "combining section for combining arriving waves received with the plurality of array antennas to which the particular set of weights are applied." Kezys fails to expressly disclose setting a particular set of weights in common to all of the plurality of array antennas.

In a similar field of endeavor, Yoshida discloses the antenna weights w(l,n) may be common to the respective arrays 31-1 and 31-2. (see paragraph 67 and 74), which reads on the claimed, "setting the particular set of weights in common to all of the plurality of array antennas."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kezys with Yoshida to include the above applying antenna weights in common to all the antenna arrays in order to provide an adaptive antenna reception apparatus which can realize an excellent adaptive control characteristic as suggested by Yoshida (see paragraph 28). The combination of Kezys and Yoshida fails to expressly disclose feeding sections provided individually at feed lines of the array antennas for transmission and reception and that applies to a transmission of a transmission wave through the feed line, the set of weights including the particular set of weights amended adaptive to the different in frequencies between the transmission wave and the arriving wave.

In a similar field of endeavor, Lindskog et al disclose a system with a transformation function that can correct for coupling between the antenna elements and to compensate for any differences in carrier frequency between received signals and transmitted signals (see column 8, lines 61-67), which reads on the claimed, "feeding sections provided individually at feed lines of the array antennas for transmission and reception and that applies to a transmission of a transmission wave through the feed line, the set of weights including the particular set of weights amended adaptive to the different in frequencies between the transmission wave and the arriving wave."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kezys and Yoshida with Lindskog et al to include the above correction for transmit versus receive frequencies in order to use the optimal weightings in a frequency division duplex system and to provide quick and accurate conversion from receive parameters to transmit parameters as suggested by Lindskog et al (see column 2, lines 52-62).

Regarding **claim 5**, the combination of Kezys, Yoshida and Lindskog et al discloses that preferably, all of the antenna elements are mounted on a single structure, such as a planar square or disk (see Kezys column 9, lines 21-38), which reads on the claimed, "each of the plurality of array antennas is composed of elements; and the elements of each of the array antennas are arranged on a same virtual line or plane parallel to each position of the plurality of array antennas."

Regarding **claim 6**, the combination of Kezys, Yoshida and Lindskog et al discloses that preferably, all of the antenna elements are mounted on a single structure,

such as a planar square or disk (see Kezys column 9, lines 21-38), which reads on the claimed, "each of the plurality of array antennas is composed of elements; and the elements of each of the array antennas are arranged on a same virtual line or plane parallel to each position of the plurality of array antennas."

Response to Arguments

Applicant's arguments filed November 14, 2006 have been fully considered but they are not persuasive.

The Applicant argues the combination of Kezys and Yoshida fails to teach the amended features of the claims, however Lindskog et al has been added to disclose these features.

The Applicant argues Lindskog et al does not teach a part of the antennas that is for both reception and transmission. Kezys is relied upon for this limitation however. Kezys discloses at least one of the antenna elements is an active element that is coupled to the transceiver for both receiving and transmitting data (see column 5, lines 40-57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on (571) 272-7904. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox
February 10, 2007

CHARLES APPIAH
PRIMARY EXAMINER